

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOHN CARAMUSA; HARRELL HARRIS;)	
JIM ARVETIS; JOE TURRISE;)	
MAHMOOD KHAN; ARTHUR)	
JOHNSEN; FRANK RYAN; JEFF)	
MAGIERSKI; and ROD WOODSON,)	Case No. 11-CV-01633
)	
Plaintiffs,)	Honorable Ronald A. Guzman
)	
v.)	
)	
BRINKS, INC.,)	
)	
Defendant.)	

**DEFENDANT’S RULE 25(a)(1) MOTION
TO DISMISS CLAIMS OF PLAINTIFF JOHN CARAMUSA**

Defendant Brinks, Inc. (“defendant” or “Brinks”), by and through its attorneys and pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, hereby moves for an order dismissing the claims of Plaintiff John Caramusa (“Caramusa”). In support of this Motion, defendant states as follows:

1. Plaintiff Caramusa died in January 2012.
2. On May 3, 2012, Caramusa’s counsel filed a motion to withdraw as Caramusa’s counsel, noting Caramusa’s death in January and explaining that counsel informed Caramusa’s family members of their right to substitute in this case on his behalf [ECF No. 64]. According to the Motion to Withdraw, Caramusa’s wife did not want to get involved in this matter (*Id.*). Caramusa’s counsel informed Mrs. Caramusa they would be withdrawing as Caramusa’s counsel and served Mrs. Caramusa with the Motion to Withdraw as Caramusa’s counsel via certified mail on May 3, 2012 (*Id.*).

3. At the hearing on the Motion to Withdraw, Mrs. Caramusa did not appear and the court granted the motion {ECF No. 66}.

4. It has now been six months since Caramusa's death and 90 days since service of a statement noting Caramusa's death, and no motion for substitution has been filed on Caramusa's behalf. Pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, the action by Caramusa must be dismissed.

WHEREFORE, defendant Brinks, Inc. respectfully requests that the claims of Plaintiff John Caramusa be dismissed under Rule 25(a)(1).

Respectfully submitted,

DEFENDANT BRINKS, INC.

By: s/Carol A. Poplawski

Carol A. Poplawski (6192132)
Anne E. Larson
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
155 N. Wacker Drive, Suite 4300
Chicago, Illinois 60606
(312) 558-1200

Dated: August 2, 2012

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on August 2, 2012, she electronically filed the foregoing DEFENDANT'S RULE 25(a)(1) MOTION TO DISMISS CLAIMS OF PLAINTIFF JOHN CARAMUSA. Notice of this filing will be sent via the Court's electronic filing system to:

John C. Kreamer
Best, Vanderlaan & Harrington
400 East Diehl Road, Suite 280
Naperville, IL 60563
(630) 752-8000

Susan J. Best
Best, Vanderlaan & Harrington
25 East Washington Street, Suite 210
Chicago, IL 60602
(312) 819-1100

/s/ Carol A. Poplawski

One of Defendant's Attorneys